

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS HEATON SPITTERS,
Plaintiff,
v.
LAURENCE L. SPITTERS, et al.,
Defendants.

Case No. [18-cv-07232-JCS](#)

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Good cause having been shown, Plaintiff Thomas Heaton Spitters's application to proceed in forma pauperis is GRANTED.

Spitters has filed numerous cases in this Court, primarily within the last year, all of which either have been dismissed sua sponte or currently have recommendation pending for dismissal.¹ Spitters was given opportunities to cure his defective filings in each of those cases. As Spitters should by now be well aware, in order to proceed in federal court, a complaint must include sufficient factual allegations to state a plausible claim within the court's subject matter jurisdiction. *See generally, e.g., Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Spitters initiated the current action by filing a document captioned as a "Memorandum to the Court" that reads, in full, as follows:

MEMORANDUM TO THE COURT * NOVEMBER 25, 2018
To : UNITED STATES DISTRICT COURT, NORTHERN
DISTRICT OF CA, CLERK
Fr : THOMAS HEATON SPITTERS, PLAINTIFF
Re : PRESENT FILING BEFORE THE COURT

PLEASE NOTE THE ILLEGAL PARTIES, DEFENDANTS,

¹ *Spitters v. Huang*, No. 18-cv-6608-JD (report and recommendation for dismissal currently pending); *Spitters v. Cal. State Univ.*, No. 18-cv-5653-JST (report and recommendation for dismissal currently pending); *Spitters v. Miceli*, No. 18-cv-4917-WHA (dismissed Oct. 16, 2018); *Spitters v. Spitters*, No. 18-cv-4824-JD (dismissed with leave to amend Oct. 24, 2018); *Spitters v. Blue Cross of CA*, No. 18-cv-4360-BLF (dismissed Nov. 13, 2018); *Spitters v. Psynergy*, No. 18-cv-3639-PJH (dismissed Sept. 10, 2018); *Spitters v. Santa Clara County*, No. 18-cv-2760-BLF (dismissed Dec. 3, 2018); *Spitters v. Loebner*, No. 18-cv-2759-BLF (dismissed Oct. 11, 2018); *Spitters v. Spitters*, No. 17-cv-7306-EMC (dismissed Mar. 19, 2018); *Spitters v. Unknown*, No. 15-cv-4902-PJH (dismissed June 20, 2016).

1 NAMES AND NAMED, AND BY ASSOCIATED IN THE
2 ACCOMPANYING FILING AT PRESENT ENGAGE AND HAVE
3 A HISTORY OF ENGAGING IN VARIOUS FORMS OF
4 TRAFFICKING, INCLUDING HUMAN TRAFFICKING AND
5 THE DRUG TRADE, AND OTHER FORMS OF TRAFFICKING
6 IN CONTRABAND AND OTHER ILLEGAL GOODS. PLAINTIFF
7 ALLEGES THESE DEFENDANTS AND THEIR ASSOCIATES,
8 AND PURSUING AND PURSUANT TO A PLAN DID* AND
9 HAVE A HISTORY OF ENRICHING THEMSELVES BY
10 METHODOLOGICALLY PLUNDERING AND EXTRACTING,
11 USING ILLEGAL METHODS, ACTS AND ACTIVITIES, AND AS
12 A FREQUENTLY AS MUTUAL AND OTHER COLLUSIVE
13 PLANS PERMIT, PLAINTIFF'S CASH, PERSONAL OBJECTS
14 AND PROPERTY, INVESTMENT ASSETS AND PROPERTY,
15 EQUIPMENT AND GOODS AND OTHER PROPERTY, AND
16 ATTRIBUTED ASSETS AND PROPERTY AS WELL.

17 PLAINTIFF REQUESTS OF THE COURT TO TAKE THIS INTO
18 CONSIDERATION IN ITS INTAKE OF THIS FILING. PLEASE
19 PARDON TYPOGRAPHICAL ERRORS.

20 BY,

21 /s/THOMAS HEATON SPITTERS

22 DATE : NOVEMBER 25, 2018

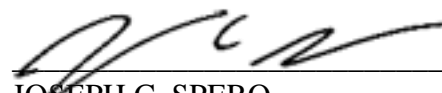
23 * AND PRESENTLY DO, ...

24 Dkt. 1 ("s/" and ellipsis in original). An accompanying filing lists approximately forty defendants
25 and states that Spitters' allegations "INCLUDE . . . BUT ARE NOT LIMITED TO" violations of
26 several named statutes, "[c]ertain provisions of" several titles of the United States Code, and
27 Spitters's rights under the First, Fourth, and Fourteenth Amendments to the United States
28 Constitution, "et seq." Dkt. 2.

Spitters's assertions consist solely of "legal conclusions" and "mere conclusory
statements," *see Iqbal*, 556 U.S. at 678, and, among other defects, fail to identify any particular
conduct by any particular defendant. Spitters is therefore ORDERED TO SHOW CAUSE why
this action should not be dismissed without leave to amend as frivolous and for failure to state a
claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B). Spitters may file a
response to this order no later than January 4, 2019.

IT IS SO ORDERED.

Dated: December 5, 2018


JOSEPH C. SPERO
Chief Magistrate Judge